

REMARKS

Claims 1-28 are pending in the application. The Examiner allowed claims 1-8, objected to claims 9-19 and 21 and rejected claims 9-19 and 21. Claims 9, 10, 11, 14, 15, 19 and 21 are amended. New claims 29 – 34 have been added. The Examiner's objections and rejections are addressed below in substantially the same order as in the office action.

REJECTIONS UNDER 35 USC § 112

The Examiner rejected Claims 9-18 under 37 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended claims 9-18 to correct the grammatical errors identified by the Examiner and believes that these claims are in condition for allowance. The Examiner's rejection of claim 15 is addressed in further detail below.

REJECTIONS UNDER 35 USC § 102

The Examiner rejected Claims 15 and 21 under 35 U.S.C. 102(e) as being anticipated by Ryan (U.S. 6,176,311) and rejected Claim 19 as being anticipated by Davenport (U.S. 6,045,070).

With respect to amended Claims 15 and 21, Ryan does not disclose an apparatus that reduces the size of the particles entrained in drilling fluid by disintegrating the particles. Rather, to Applicant's reading, Ryan discloses an apparatus that filters the drilling fluid to remove particles of a certain size. Ryan does not disclose or suggest disintegrating the particles. Accordingly, Applicant respectfully submits that amended claims 15 and 21 are allowable over the prior art of record.

With respect to amended claim 19, Davenport does not disclose an apparatus positioned in the wellbore that generates an energy field. Rather, Davenport states that "a unique system is provided for processing the separated drill

cuttings into a homogenous mix prior to injection into the earth formation.”(Col. 16, lines 38-44). Accordingly, the Davenport system is clearly directed to surface based systems. Additionally, Davenport states that the inline grinder 12 is a stator/rotor of a “non-intermeshing configuration...and that the particle size produced is regulated by controlling the gap between the stator and rotor. Obviously the wider the gap, the larger the particle size produced.” (Col. 16, lines 3-10). Thus, particle reduction occurs only when the particles come into physical contact with the stator and rotor. Particles flowing through the gap are apparently unaffected by the grinder. Accordingly, Davenport does not disclose an apparatus where particles are reduced upon flowing through an energy field. Accordingly, Applicant respectfully submits that amended claim 19 is allowable over the prior art of record.

NEW CLAIMS


Applicant has included new claims 29-34 to further claim the present invention. Applicant submits that the new claims include one or more recitations not shown or suggested in the prior art of record and are therefore allowable.

CONCLUSION

For all the foregoing reasons, Applicant submits that the application is in a condition for allowance. The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 02-0429 (564-35247-USCP).

Respectfully submitted,

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CERTIFICATE OF FACSIMILE TRANSMISSION

I certify that this correspondence, along with any papers referred to as being attached or enclosed, is being transmitted by facsimile to the attention of Commissioner for Patents, facsimile number 703.872.9306 on this 28th day of April 2005.


Gretchen King